

AMENDED IN ASSEMBLY APRIL 7, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 256

Introduced by Assembly Member Jones-Sawyer

February 9, 2015

An act to amend Section 141 of the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 256, as amended, Jones-Sawyer. Falsifying evidence.

Existing law makes it a misdemeanor for a person to, or a felony for a peace officer to, knowingly, willfully, and intentionally alter, modify, plant, place, manufacture, conceal, or move any physical matter, with the specific intent that the action will result in a person being charged with a crime or with specific intent that the physical matter will be wrongfully produced as genuine or true at trial or any other specified proceedings.

This bill would expand that prohibition to include any digital image or video ~~recording~~ *recording, and would expand the requisite specific intent to include the intent that the physical matter, digital image, or video recording will not be available for production at those proceedings*. By expanding the definition of a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 141 of the Penal Code is amended to read:

141. (a) Except as provided in subdivision (b), a person who knowingly, willfully, and intentionally alters, modifies, plants, places, manufactures, conceals, or moves any physical matter, digital image, or video recording, with specific intent that the action will result in a person being charged with a crime or with the specific intent that the physical matter will be wrongfully produced as genuine or true upon a trial, proceeding, or inquiry whatever, is guilty of a misdemeanor.

(b) A peace officer who knowingly, willfully, and intentionally alters, modifies, plants, places, manufactures, conceals, or moves any physical matter, digital image, or video recording, with specific intent that the action will result in a person being charged with a crime or with the specific intent that the physical ~~matter~~ *digital image, or video recording will not be available for production, or* will be wrongfully produced as genuine or ~~true~~ *true*, upon a trial, proceeding, or inquiry whatever, is guilty of a felony punishable by two, three, or five years in the state prison.

(c) This section does not preclude prosecution under both this section and any other law.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.